

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

JOHNELL MIDDLETON *et al.*,

Plaintiffs,

v.

TIMOTHY WARD *et al.*,

Defendants.

No. 5:21-CV-334-MTT-CHW

**JOINT MOTION TO STAY PROCEEDINGS**

Plaintiffs and Defendants respectfully move the Court to enter an order staying this action for thirty days while the parties work to confirm that Georgia State Prison (“GSP”) will close. In support of this motion, the parties state as follows:

1. On September 10, 2021, Plaintiffs filed a complaint alleging that the totality of their conditions in GSP’s segregation units violated their federal rights. (Doc. 1.) They subsequently filed a motion for class certification, a motion for a preliminary injunction, and a motion for expedited discovery. (Doc. 4; Doc. 13; Doc. 15.)

2. On October 8, 2021, Defendants filed a motion to dismiss the lawsuit, arguing that Plaintiffs had not exhausted their administrative remedies under 42 U.S.C. § 1997e(a). (Doc. 10.) Plaintiffs responded that administrative remedies were unavailable to people in the segregation units at GSP. (Doc. 28.) Further briefing on this issue followed. (*See* Doc. 30; Doc. 35.)

3. On November 10, 2021, Plaintiffs also filed a motion to compel the

Georgia Department of Corrections (“the Department”) to respond to a subpoena for documents related to the issue of exhaustion of administrative remedies. (Doc. 26.) The Department’s response, and Plaintiffs’ reply, followed on December 1, 2021, and December 7, 2021. (Doc. 31; Doc. 34.)

4. On January 26, 2022, the Court ordered that it would hold an evidentiary hearing to determine whether administrative remedies were available to Plaintiffs. (Doc. 36.)

5. In the last two weeks, local news outlets have reported that the Department plans to close four prisons in the State of Georgia. GSP was listed as one of the prisons possibly slated for closure.<sup>1</sup>

6. In light of the possible closure of the prison, the parties request that the Court stay this action for thirty days to allow time to confirm whether and when the prison will close, or, at a minimum, no longer be using the segregation units at GSP to house incarcerated people. District courts have broad discretion to enter a stay so long as it is not indefinite in duration. *See CTI-Container Leasing Corp. v. Uiterwyk Corp.*, 685 F.2d 1284, 1288 (11th Cir. 1982).

---

<sup>1</sup> See, e.g., Stanley Dunlap, Ga. Recorder, *Georgia corrections prepares to spend \$600M to replace older prisons* (Jan. 18, 2022), <https://georgiarecorder.com/brief/georgia-corrections-prepares-to-spend-600m-to-replace-older-prisons/>; see also Molly Curley, WSAV.com, *Tattnall County’s Georgia State Prison to Close* (Jan. 21, 2022), <https://www.wsav.com/news/local-news/tattnall-countys-georgia-state-prison-to-close/>; WTOC Staff, WTOC.com, *Ga. Department of Corrections closing Ga. State Prison in Reidsville* (Jan. 21, 2022), <https://www.wtoc.com/2022/01/21/ga-department-corrections-closing-ga-state-prison-reidsville/#:~:text=REIDSVILLE%2C%20Ga.,because%20it%20has%20historical%20value.>

## CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court stay this action for thirty days.

Respectfully submitted,

James F. Bogan III (Ga. Bar 065220)  
Tamara Serwer Caldas (Ga. Bar 617053)  
C. Allen Garrett Jr. (Ga. Bar 286335)  
Stephanie N. Bedard (Ga. Bar 825614)  
Emilia Stromberg (Ga. Bar 896536)  
Desmond M. Dennis (Ga. Bar 511943)  
KILPATRICK TOWNSEND  
& STOCKTON LLP  
1100 Peachtree Street, NE, Suite 2800  
Atlanta, Georgia 30309  
(404) 815-6500  
(404) 816-6555 (fax)  
jbogan@kilpatricktownsend.com  
tcaldas@kilpatricktownsend.com  
agarrett@kilpatricktownsend.com  
sbedard@kilpatricktownsend.com  
estromberg@kilpatricktownsend.com  
ddennis@kilpatricktownsend.com

/s/ Ryan Primerano  
Alison Ganem (Ga. Bar 284894)  
Ryan Primerano (Ga. Bar 404962)  
SOUTHERN CENTER FOR  
HUMAN RIGHTS  
60 Walton Street, NW  
Atlanta, Georgia 30303  
(404) 688-1202  
(404) 688-9440 (fax)  
aganem@schr.org  
rprimerano@schr.org

*Counsel for Plaintiffs*

/s/ Elizabeth Crowder  
[signed by R. Primerano with express permission]  
Elizabeth Crowder (Ga. Bar 100809)  
Tina M. Piper (Ga. Bar 142469)  
Beth Burton (Ga. Bar 027500)  
Christopher Carr (Ga. Bar 112505)  
Office of the Attorney General  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334-1300  
(404) 458-4323  
(404) 463-8864  
ecrowder@law.ga.gov

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing by filing it with the Clerk of Court using the CM/ECF system, which will send notification of filing to all counsel of record.

/s/ Ryan Primerano

*Counsel for Plaintiffs*

February 2, 2022